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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

PERFECTO GARCIA,

Defendant and Appellant.

A152783

(Napa County
Super. Ct. No. CR183040)

Appellant Perfecto Garcia appeals his conviction after a jury trial for one count of assault with a deadly weapon for purposefully hitting Darrel Hanson with his car. Garcia's counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Garcia was informed of his right to file a supplemental brief and did not do so. (*People v. Kelly* (2006) 40 Cal.4th 106, 124.) Having independently reviewed the record, we conclude there are no issues that require further briefing and affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Garcia was charged in a one-count information with assault with a deadly weapon in violation of Penal Code section 245, subdivision (a)(1).¹

Garcia had an ongoing feud with his father's neighbor, Darrel Hanson. Hanson was washing his car in his driveway when Garcia drove into the driveway. Hanson yelled for Garcia to get off his property. When Garcia did not move the car, Hanson sprayed it with his garden hose. ~ (RT 884) ~ Garcia then drove his car into Hanson.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

Hanson jumped in the air, and the car hit him in the knees. Hanson hit the hood of the car and landed in the bushes. He was scratched and bruised but otherwise unharmed. Garcia then backed up and drove away.

At trial, the People called two witnesses: Hanson and Officer Michael Moore. Both testified and were cross-examined by Garcia's counsel. At the close of the People's case, Garcia's counsel made a motion pursuant to section 1118.1 for a judgment of acquittal based on Hanson's alleged lack of credibility. The court denied the motion.

Garcia was convicted by the jury. At the sentencing hearing, Garcia was represented by counsel. The court stated it had considered the probation report and the letters submitted on Garcia's behalf. Garcia's counsel asked the court to reduce the charge to a misdemeanor. The court denied the request, stating Garcia had engaged in "foolish and irresponsible" conduct that led to his felony conviction. Hanson's injuries could have been far more serious. Garcia failed to take responsibility or express regret for his conduct.

The court sentenced Garcia to 120 days in county jail and placed him on three years formal probation. The court ordered Garcia to stay away from Hanson and his home and to not post anything on the internet or social media about Hanson.

DISCUSSION

Neither Garcia nor Garcia's counsel has identified any issue for our review on appeal. Upon our own independent review of the record, we agree no reasonably arguable appellate issue exists. (*People v. Wende, supra*, 25 Cal.3d 436; *Anders v. California* (1967) 386 U.S. 738, 744.) Garcia was convicted after a jury trial. We find no potentially meritorious issue related to either his conviction or his sentence that requires further briefing. Garcia was represented by counsel throughout the proceedings, and the record does not reveal any trial court error or deficiencies in counsel's representation.

DISPOSITION

The judgment is affirmed.

Fujisaki, J.

We concur:

Siggins, P.J.

Petrou, J.

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